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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,635	10/18/2001	Mark R. Maguire	MAC0002.US	8588

7590

08/12/2003

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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/982,635

Applicant(s)
MAGUIRE et al.

Examiner
KURT ROWAN

Art Unit
3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 28, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

Art Unit: 3643

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 28, 2003 has been entered.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6, 8, 9, 10, 11, 12, 14, 16, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn in view of Tsurufuji.

The patents to Bahn and Tsurufuji show fishing rods. Bahn shows a rod with line guides 4, 8 mounted on an external surface of the pole. Bahn shows a fishing line containment apparatus 9 installed through at least two of the fishing line guides. The line containment apparatus of Bahn is

Art Unit: 3643

an elongated tube disposed between at least two of the plurality of line guides. Bahn shows a captivating device 17 detachably connected on one end of the elongate tube. Tsurufuji shows a fishing pole in Fig. 2 with a tube 14 having a captivating device 24 detachably mounted to an end of the tube. In reference to claims 1, 10 and 18, it would have been obvious to provide Bahn with a captivating device at the line entrance end of the line containment apparatus for the purpose of preventing line wear at the entrance of the line containment apparatus. In reference to claim 3, the elongate tube of Bahn can be considered flexible since all materials have some degree of flexibility. In reference to claims 4 and 12, it is not clear what material Bahn is made from although it appears to be metal. At any rate, it would have been obvious to employ metal or the other materials listed since the selection of a known material is based on its suitability for the intended use. See *In re Leshin*, 125 USPQ 416. In reference to claims 6 and 14, Tsurufuji shows a ferrule 24 having annular rings on an exterior surface and shoulder on an end thereof as shown in Fig. 2. In reference to claims 7 and 15, the shoulder shown by Tsurufuji is somewhat larger in diameter than the fishing line guides G2. In reference to claims 8 and 16, 19, Bahn shows a lead line 14 for withdrawable insertion through the fishing line containment apparatus. In reference to claims 9 and 17, Bahn disclose a reel, but does not show the line containment apparatus extending to the reel. However, it would have been obvious to extend the line containment apparatus to the reel to prevent snagging of the fishing line.

Art Unit: 3643

4. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn as modified by Tsurufuji as applied to claim 1 above, and further in view of Patterson.

The patents to Bahn, Tsurufuji and Patterson show fishing rods with line guides. The combination of Bahn and Tsurufuji does not show a coiled spring elongated tube captivating device. The patent to Patterson shows an elongated tube captivating device comprised of a coiled spring 6. In reference to claims 5 and 13, it would have been obvious to provide the fishing rod of Bahn as modified by Tsurufuji with a coiled spring elongated tube line containment apparatus since merely the substitution of one mechanically equivalent elongated tube for another is contemplated and the function is the same.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Application/Control Number: 09/982,635

Page 5

Art Unit: 3643

A handwritten signature in black ink that reads "Kurt Rowan". The signature is written in a cursive style with a large, stylized 'K' and 'R'.

KURT ROWAN

PRIMARY EXAMINER

ART UNIT 3643

August 10, 2003